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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,088	07/27/2001	Richard H. Boivie	YOR920010160US1	9147

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EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/917,088	Applicant(s) BOIVIE ET AL.	
	Examiner Jack P Nguyen	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to Applicant's amendment filed on 2/15/05. Claims 1-37 are being examined.

Response to Arguments

Applicant's arguments filed on 2/15/05 have been fully considered but they are moot based on new grounds of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has added in the amended claims 1, 11, 21, and 32 the limitations, "...first portion of information to be delivered to the first networked device as an ordinary unicast packet...second portion of information to be delivered to the second networked device as an ordinary unicast packet..." However, neither the original specification or claims disclose these limitations. Therefore, Examiner considers these limitations to be new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diwan, 6,801,936 (Diwan hereafter).

As per claim 32, Diwan discloses a communication interface (280, fig. 2) that allows the system (190, fig. 1) to communicate with other network devices on the network (175, fig. 1); memory for storing data (250, fig. 2, col. 3, line 58); controller coupled to network interface (inherent component in a network computing device); a first and second requests corresponding to the first and second networked devices, respectively, the first and second requests requesting portions of information to be delivered to the networked devices (col. 3, lines 47-49; server device (190, fig. 1) receives and processes requests from plurality of clients (105, 110, fig. 1) for content retrieved from content providers (145, 150, fig. 1)); the second portion of information requested including an overlapping portion of information that overlaps the first portion of information requested by the first request (col. 2, lines 8-14; server (190, fig. 1) can further parses the content data to identify parts of the data that is common (or overlapping) being requested from the clients); a program memory for storing computer program instructions for collecting the first request and second request into a bucket

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(314, fig. 3, col. 4, lines 52-55; system stores requests into memory (or bucket)); and creating a combined response, the combined response destined for reception by the first networked device and by the second networked device, the combined response including the overlapping portion of information (or common data) requested by the first and second networked devices, wherein the combined response comprises a multicast message (col. 2, lines 8-16; system parses the retrieved content data from the data providers to extract the common (overlapping) requested data; system then packages the common data into a combined response and transmits the response in a multicast message to a plurality of subscribers).

Diwan does not specifically state that the first client and second client make requests for contents to be delivered via unicast packets. However, it is implicit in the reference that the requested services include contents delivered via broadcast and unicast (col. 3, lines 14-21, 23-27; the reference discloses that the user may make specific request for content delivery (using a unicast HTTP request)); the agent (server) can retrieve content directly from the information servers instead of passively listen for multicast data (col. 6, lines 40-43). This implies that the information server sends the requested content directly to the agent (e.g., delivered via unicast packets). Hence, the reference inherently has content that is to be delivered via unicast packets. Even if the reference is read to cover only subscription to broadcast/multicast content. It would have been obvious to modified the reference to let the client subscribe to "content to be delivered via unicast" (e.g. a particular web page, a particular file, etc.) because it would have improved the usability of the system by enabling the client to have an update view

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to his favorite web site or the most current version of a file delivered to him automatically.

Claims 1, 11, and 21 recite similar limitations to claim 32; therefore, they are rejected by similar rationale as claim 32.

As per claims 2-4, Diwan discloses providing the combined response to a plurality of subscribers through a network interface (280, fig. 1) using Internet Protocol (IP) multicast routing techniques (col. 2, lines 12-16 & 43-48; TCP/IP is a suite of protocols that allow TCP packets to be routed to a plurality of network devices across the Internet).

As per claims 5-6, Diwan discloses sending to the plurality of requesters the combined response using Internet Protocol (IP) multicast routing techniques. Diwan did not specifically disclose the multicast protocol as Small Group Multicast protocol (SGMP) and one of the requests comprises an acknowledgement (ACK) requesting a portion of information. However, it would have been obvious to one of ordinary skill in the art to use a multicast transmission technique such as Small Group Multicast protocol (SGMP) to send data in a single message that is replicated and transmitted to a plurality of users (col. 1, lines 34-37) thus allowing the system to save on bandwidth as the system sends a response message only once instead a plurality of responses individually. In addition, it is well known and would have been obvious to one of ordinary skill in the art to have a recipient client to send the sender an acknowledgment (ACK) after receiving data from the system to signify that proper communication channel has been established between the client and the sender.

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As per claims 7-8, Diwan discloses the request comprises an HTTP request requesting a portion of information (col. 3, lines 22-27) that could include a URL to identify a requested portion of information (col. 3, lines 32-34; an example URL could be www.weather.com).

As per claims 9-10, Diwan discloses the system allows the users to set the retransmission time associated with communication response, i.e., users can select when they would like system to respond to their requests (col. 4, line 67 – col. 5, line 1; col. 5, lines 38-40); transmitting a combined response with overlapping data to the devices using multicasting (see claim 32 rejection). Diwan does not specifically disclose the retransmit time associated with communication devices is substantially the same. However, it would have been obvious to one of ordinary skill in the art to allow users to set the specific response time to their requests according to their specific requirements. For example, users may want to get common data such as updated sports scores every 5 minutes sent to their workstations as disclosed in [col. 6, lines 7-10] or set the system to respond to their requests within 2 seconds after getting the requests as desired.

Claims 12-14, 22-24, 33-34 are rejected for similar reasons as claims 2-4.

Claims 15-16, 25-26, 31, and 37 are rejected for similar reasons as claims 5-6 - above.

Claims 17-18 and 27-28 are rejected for similar reasons as claims 7-8 above.

Claims 19-20, 29-30 and 35-36 are rejected for similar reasons as claims 9-10 above.

Conclusion

The additional prior art made of record and not relied upon are considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn

A handwritten signature in black ink, appearing to read 'Dung C. Dinh', with a long, sweeping horizontal line extending to the right.

Dung C. Dinh
Primary Examiner